

APPENDIX B



Atty Docket No.: 14923.0024

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schlothauer et al.

Art Unit: 1645

Serial No.: 10/521,097

Examiner: Tongue, Lakia J

371 Filing Date: November 4, 2005

Title: *Composition*

Mail Stop Amendment

United States Patent and Trademark Office

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria VA 22314

TRANSMITTAL

Applicants submit copies of Statements of Corroboration dated April 3, 2007, relating to the deposit of microbial strains, *Lactobacillus sakei* 570 and *Leuconostoc mesenteroides* 808 at DSMZ on September 8, 2003 and July 23, 2003 respectively. Copies of the receipt of the deposit and priority documents are also attached.

The Statement attached at Exhibit A refers to PCT/GB2003/003436. The present application claims priority to PCT/GB2003/003436. The statement attached at Exhibit B refers to GB Patent Application No. 0218241 and U.S. Provisional Application Serial No. 60/413,727. The present application also claims priority to GB Patent Application No. 0218241 and U.S. Provisional Application Serial No. 60/413,727. While the headers of both executed Statements properly reference the applicant, filing date and title, each mistakenly refers to Application Serial No. 10/893,524, it should be clear from the contents of both statements that the statements are intended for Application Serial No. 10/521,097.

Should any further fees be required by the present Reply, the Commissioner is hereby authorized to debit or credit Deposit Account **19-4293**.

Date: 2-20-08

Customer No. 27890
Stephoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Phone: 202-429-6748
Fax: 202-429-3902

Respectfully submitted,

Harold H. Fox
Reg. No. 41,498



Attorney's Docket No.: 14923.0024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schlothauer et al.
Serial No.: 10/893,524
371 Filing Date: November 4, 2005
Title: *Composition*

Art Unit: 2829
Examiner: Unassigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT

1. I am Inez Barbara Rademacher, Project manager R&D Danisco Deutschland GmbH; Inventor of Patent and technical support for the depositing of strain at DSMZ

2. I have personal knowledge that the microbial strain, *Lactobacillus sakei* 570, which was deposited as DSM 15889 on September 8, 2003, is the microbial strain *Lactobacillus sakei* 570, specifically identified in Example 6-9 on page 47, line 17 to page 50, line 24 of PCT/GB 2003/003436 as filed on August 6, 2003.

3. I have enclosed copies of the receipt of the deposit of *Lactobacillus sakei* 570 and a copy of PCT/GB 2003/003436.

4. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 03. April 2007

Inez B. Rademacher
Inez Barbara Rademacher

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

DSMZ Mascheroder Weg 1b D-38724 Braunschweig

Danisco Specialties
Danisco Niebüll GmbH
Inez Rademacher
Busch-Johannsen-Str. 1
25899 Niebüll

Str 2 Zeichen / Your ref

Unter Zeichen / Under ref
P-151 03/W

Tel.
0531/2315-1

254 Datum / Date

2003-09-08

www.dsmz.de

Re.: Deposit of microorganisms according to the Budapest Treaty

Enclosed please find our Receipt and Viability Statements for the strain

Lactobacillus sakei DC 570 = DSMZ 15889

and our Invoice No. 2305628.

Sincerely yours,

V. Weiss

Dr. Vera Weiss

DSMZ-Deutsche Sammlung von Mikro-
organismen und Zellkulturen GmbH

Further notes: After preservation of the strain you will receive samples for identity checking.

DSMZ-Deutsche Sammlung von
Mikroorganismen und Zellkulturen GmbH
Mascheroder Weg 1b
D-38724 Braunschweig
Tel.: 0531/2315-1
Fax: 0531/2315-119
E-Mail: info@dsMZ.de
URL: <http://www.dsmz.de>

DSMZ-Deutsche Sammlung von
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BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONAL FORM

Danisco A/S

Langebrogade 1

PO Box 17

DK-101 Copenhagen K

REPORT IN THE CASE OF AN ORIGINAL DEPOSIT
under paragraph 10.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified in the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: DC 570	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM 15889
II. SCIENTIFIC DESCRIPTION AND PROPOSED TAXONOMIC DESIGNATION	
<p>The microorganism identified under 1. above was accompanied by:</p> <p>() a scientific description (x) a proposed taxonomic designation</p> <p>(Mark with a cross where applicable)</p>	
III. RECEIPT AND ACCEPTANCE	
<p>This International Depositary Authority accepts the microorganism identified under 1. above, which was received by it on: 2003-09-02 (Date of the original deposit)</p>	
IV. RECEIPT OF REQUEST FOR CONSERVATION	
<p>The microorganism identified under 1. above was accepted by this International Depositary Authority as and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on: (Date of request)</p>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
<p>Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH</p> <p>Address: Ministerstrasse 11 D-36124 Braunschweig</p>	<p>Signature(s) of person(s) having the power to represent the International Depositary Authority in its authorized official capacity: V. Weitz Date: 2003-09-02</p>

Where Rule 1.4(d) applies, such date is the date on which the deposit of international depositary authority was accepted.

Form DSZ-824 (date page) 12/2001

BUDAPESTER VERTRAG ÜBER DIE INTERNATIONALE
ANERKENNUNG DER HINTERLEGUNG VON MIKROORGANISMEN
FÜR DIE ZWECKE VON PATENTVERFAHREN

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONALES FORMBLATT

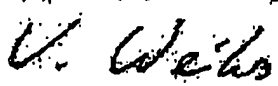
Danisco A/S

Langebrogade 1

PO Box 17

DK-101 Copenhagen K

LEBENSFAHIGKEITSBESCHÜNG
gemäß Artikel 16.1 des Bioterrorismusgesetzes
INTERNATIONALE HINTERLEGUNGSTELLE

I. ANTRAGSTELLE	II. KONTAKTZEICHNUNG DES ANTRAGSORGANISIERERS
Name: Danisco A/S Anschrift: Langebrogade 1 PO Box 17 DK-101 Copenhagen K	Von der INTERNATIONALEN HINTERLEGUNGSTELLE zugewiesene ANTRAGSNUMMER: DSM 15869 Datum der Hinterlegung oder Weiterleitung: 2003-09-02
III. LEBENSFAHIGKEITSBESCHÜNG	
Die Lebensfähigkeit des unter II genannten Mikroorganismus ist am 2003-09-02 bestätigt worden. Zu diesem Zeitpunkt war der Mikroorganismus (x) lebensfähig () nicht mehr lebensfähig	
IV. BEDINGUNGEN, UNTER DENEN DIE LEBENSFAHIGKEITSPRÜFUNG DURCHFÜHRT WORDEN IST	
V. INTERNATIONALE HINTERLEGUNGSTELLE	
Name: DSMZ, DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Anschrift: Maschenstr. Weg 1b D-38124 Braunschweig	(Unterschriften) der zur Vertretung der internationalen Hinterlegungstelle befähigten Person(en) oder der (der) von ihr ernannten Repräsentant(en)  Datum: 2003-09-08

Angabe des Datums der Bestätigung. Wenn eine zweite Hinterlegung oder eine Weiterleitung vorgeschrieben werden ist, Angabe des Datums der zweiten Hinterlegung oder Weiterleitung.
 In der in Regel 16.1 des Bioterrorismusgesetzes (16.1 des Bioterrorismusgesetzes) angeführten Lebensfähigkeitsprüfung.
 Zusätzlich: Angabe des Datums der Prüfung, wenn die Angabe des Datums der Prüfung vorgeschrieben ist.